

ORDINANCE NO. 2005 - 050

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **TRANSPORTATION ELEMENT** (TO DESIGNATE A SEGMENT OF OLD BOYNTON ROAD AND THE INTERSECTIONS OF CONGRESS AVENUE/GATEWAY BOULEVARD AND CONGRESS AVENUE/OLD BOYNTON ROAD AS CONSTRAINED ROADWAY AT LOWER LEVEL OF SERVICE (CRALLS) FACILITIES); THE **MAP SERIES** (TO MODIFY MAP TE 15.1, TRAFFIC CONCURRENCY EXCEPTION AREAS (TCEAS) AND CRALLS, TO IDENTIFY A SEGMENT OF OLD BOYNTON ROAD AND THE INTERSECTIONS OF CONGRESS AVENUE/GATEWAY BOULEVARD AND CONGRESS AVENUE/OLD BOYNTON ROAD AS CONSTRAINED ROADWAY AT LOWER LEVEL OF SERVICE (CRALLS) FACILITIES); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 10 & 24 and July 8, 2005 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 20, 2005 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on October 5, 2005 the

1 Department of Community Affairs "Objections, Recommendations, and
2 Comments Report," dated September 30, 2005 which was the Department's
3 written review of the proposed Comprehensive Plan amendments; and

4 WHEREAS, on November 28, 2005 the Palm Beach County Board of
5 County Commissioners held a public hearing to review the written
6 comments submitted by the Department of Community Affairs and to
7 consider adoption of the amendments; and

8 WHEREAS, the Palm Beach County Board of County Commissioners has
9 determined that the amendments as modified satisfy the concerns
10 addressed in the Department of Community Affairs' "Objections,
11 Recommendations and Comments Report" and comply with all requirements
12 of the Local Government Comprehensive Planning and Land Development
13 Regulations Act.

14 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
15 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

16 Part I. Amendments to the 1989 Comprehensive Plan

17 Amendments to the text of the following Elements of the 1989
18 Comprehensive Plan are hereby adopted and attached to this Ordinance
19 in Exhibit 1:

20 A. **Transportation Element**, to designate a segment of Old
21 Boynton Road and the intersections of Congress
22 Avenue/Gateway Boulevard and Congress Avenue/Old Boynton
23 Road as Constrained Roadway at Lower Level of Service
24 (CRALLS) facilities;

25 B. **Map Series**, to modify map TE 15.1, Traffic Concurrency
26 Exception Areas (TCEAs) and CRALLS, to identify a segment
27 of Old Boynton Road and the intersections of Congress
28 Avenue/Gateway Boulevard and Congress Avenue/Old Boynton
29 Road as Constrained Roadway at Lower Level of Service
30 (CRALLS) facilities; and

31 C. Amending all elements as necessary for internal
32 consistency.
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1 Part II. Repeal of Laws in Conflict

2 All local laws and ordinances applying to the unincorporated area
3 of Palm Beach County in conflict with any provision of this ordinance
4 are hereby repealed to the extent of such conflict.

5 Part III. Severability

6 If any section, paragraph, sentence, clause, phrase, or word of
7 this Ordinance is for any reason held by the Court to be
8 unconstitutional, inoperative or void, such holding shall not affect
9 the remainder of this Ordinance.

10 Part IV. Inclusion in the 1989 Comprehensive Plan

11 The provision of this Ordinance shall become and be made a part
12 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
13 Ordinance may be renumbered or relettered to accomplish such, and the
14 word "ordinance" may be changed to "section," "article," or any other
15 appropriate word.

16 Part V. Effective Date

17 The effective date of this plan amendment shall be the date a
18 final order is issued by the Department of Community Affairs or
19 Administration Commission finding the amendment in compliance in
20 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
21 applicable. No development orders, development permits, or land uses
22 dependent on this amendment may be issued or commence before it has
23 become effective. If a final order of noncompliance is issued by the
24 Administration Commission, this amendment may nevertheless be made
25 effective by adoption of a resolution affirming its effective status,
26 a copy of which resolution shall be sent to the Florida Department of
27 Community Affairs, Division of Community Planning, Plan Processing
28 Team. An adopted amendment whose effective date is delayed by law
29 shall be considered part of the adopted plan until determined to be
30 not in compliance by final order of the Administration Commission.
31 Then, it shall no longer be part of the adopted plan unless the local
32

1 government adopts a resolution affirming its effectiveness in the
2 manner provided by law.

3 APPROVED AND ADOPTED by the Board of County Commissioners of Palm
4 Beach County, on the 28 day of November, 2005.

5
6 ATTEST:
7 SHARON R. BOCK, CLERK &
8 COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

9
10 By: [Signature]
11 Deputy Clerk

By: [Signature]
Tony Masilotti, Chairman

12
13 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

14
15 [Signature]
16 COUNTY ATTORNEY

17
18 Filed with the Department of State on the 6th day of
19
20 December, 2005.

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22 T:\Planning\AMEND\05-2\admin\bccadopt\Ordinances\Congress-Old Boynton CRALLS.doc

EXHIBIT 1

A. Transportation Element, Congress/Old Boynton CRALLS

REVISIONS: To designate a segment of Old Boynton Road and the intersections of Congress Avenue/Gateway Boulevard and Congress Avenue/Old Boynton Road as Constrained Roadway at Lower Level of Service (CRALLS) facilities. The revisions are shown with the added text underlined.

35. The following roadway segment and intersections are hereby designated as a CRALLS facility:

Old Boynton Road from spine road to Boynton Beach Boulevard
Peak Hour Standard: 1,656

Intersection of Congress Avenue and Gateway Boulevard
Critical Sum: 1,498

Intersection of Congress Avenue and Old Boynton Road
Critical Sum: 1,744

Commencing in June, 2007 the City shall prepare and submit an annual report that monitors traffic volumes on the affected roadway link and intersections, and provides a status report on compliance with all of the mitigation measures identified in this policy. Should any of the mitigation measures for the Congress/Old Boynton CRALLS not be satisfactorily completed, it shall be deemed that the City is in violation of the provisions of the CRALLS and no further building permits requiring the CRALLS for concurrency shall be issued.

Mitigation Measures to be implemented in conjunction with this CRALLS include the following:

- 1) Within three (3) years of adoption of this CRALLS, a Palm Tran Route and/or City Trolley route serving the Boynton Town Center and Boynton Village (Winchester Property) Developments with connections to the Congress/Old Boynton area (connects to Mall, Downtown and Tri-Rail station) shall be initiated. Should a Palm Tran route not be in place, the City must operate a trolley service for a minimum of 2 years after issuance of certificates of occupancy for 95% of the gross square footage on the Boynton Town Center and Boynton Village (Winchester Property); but after said 2-year period, if the trolley service operates with low ridership or excessive costs, the City may petition the County Engineer to eliminate said obligation.
- 2) CRALLS Mitigation Measures to be implemented by all developments utilizing this CRALLS (including Boynton Town Center and Boynton Village - Winchester Property), and to be included in all new concurrency approvals and Development Order (D.O.) conditions for those developments proposing more than 10 dwelling units and utilizing this CRALLS to set aside at least 10% of their development for occupancy by very low income (less than or equal to 50% of the County's median annual adjusted gross income) households and low income (more than 50% but less than or equal to 80% percent of the County's median annual adjusted gross income) households, and 10% for moderate income (more than 80% but less than or equal to 120% percent of the County's median annual adjusted gross income) households. Units meeting this requirement shall include no more than 40% renter occupied units for low income and very low income households and no more than 30% renter occupied units for moderate income households. The remaining units must be owner occupied. The renter occupied units must continue to be attainable for a period of at least 20 years, and the owner occupied units must continue to be attainable for a period of at least 10 years. Attainability shall be assured through deed restrictions on these properties.

However, as an alternative to the above requirement, the Boynton Town Center and Boynton Village (Winchester Property) may choose to contribute a fee in-lieu amounting to \$750,000. Any other development with a residential component may also choose to contribute a fee in-lieu of units. The sum amount of this fee shall be established by the City Commission and Board of County Commissioners, and it shall be paid to the City of Boynton Beach's affordable housing program(s) to finance land acquisition, homeowner assistance, or other actions to further the City's affordable housing objectives as specified in the City of Boynton Beach Comprehensive Plan.

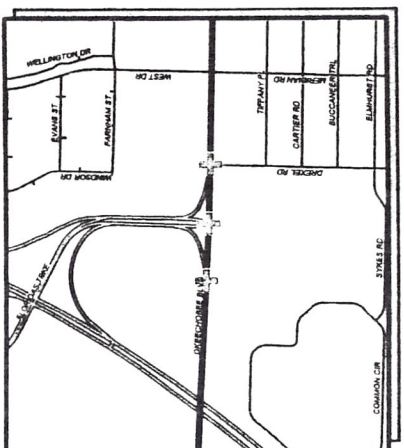
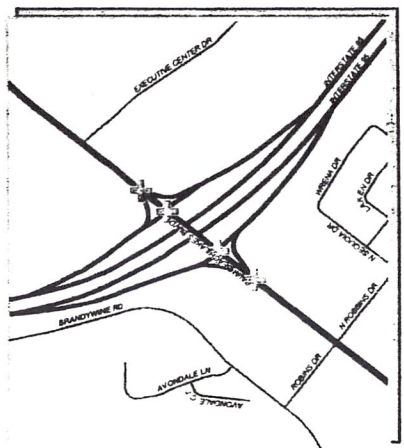
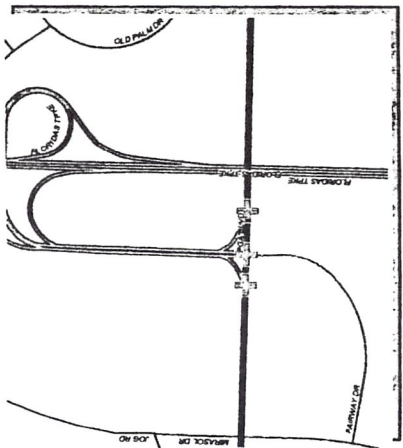
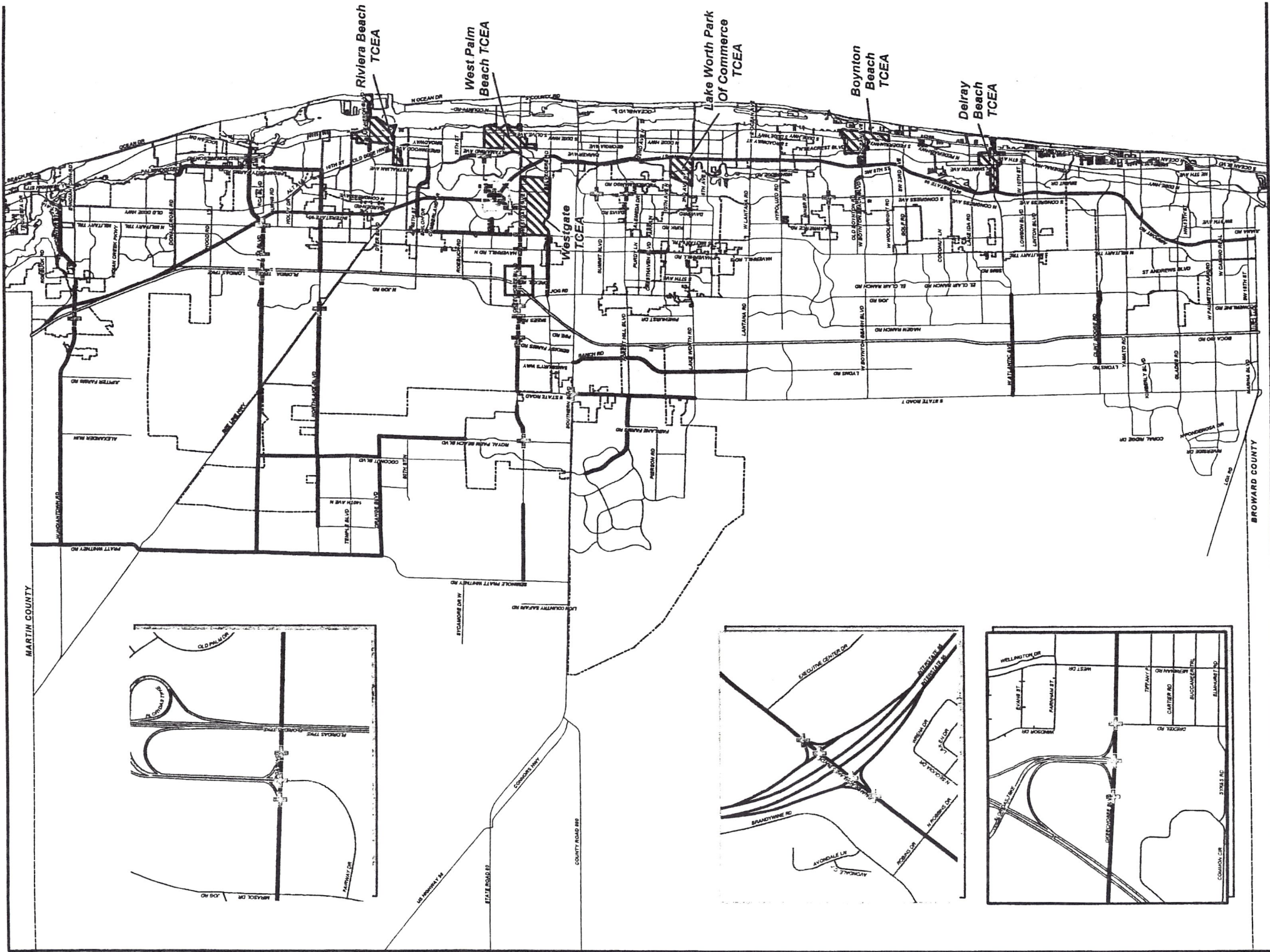
- 3) All developments (including Boynton Town Center and Boynton Village - Winchester Property) will provide an additional contribution above the established road impact fee to

help cover some of the funding shortfall for the various transportation related improvements, at 0.5 times the applicable impact fee to be used towards off-site roadway improvements. This contribution shall be payable upon issuance of each building permit. Impact fee credits may be applied to this contribution.

- 4) Other CRALLS Mitigation Measures to be implemented by the Boynton Town Center and Boynton Village (Winchester Property), in order to utilize this CRALLS, include the following:
- a) Prior to issuance of building permits that generate more than 733 new external PM peak hour trips per County Engineer's determination for the Property, contracts shall be let for:
 - 1. Construction of spine road from Gateway Boulevard to Old Boynton Road.
 - 2. Construction of pathway within Greenway along C-16 and E-4 canals.
 - b. A letter of credit shall be posted with the City for 110% of an engineer's cost estimate for the widening projects prior to the first building permit for the Boynton Town Center and Boynton Village (Winchester Property), and prior to issuance of building permits that generate more than 963 new external PM peak hour trips per County Engineer's determination for the Boynton Town Center and Boynton Village (Winchester Property), contracts shall be let for:
 - 1. Construction of 5-lane Old Boynton Road from Congress Avenue to spine road, with appropriate transition to 3-lane section east of spine road.
 - 2. Construction of 3-lane Old Boynton Road from spine road to Boynton Beach Boulevard. As part of this construction, the Boynton Town Center and Boynton Village (Winchester Property) at its own cost must offer all homeowners, where geometrically feasible, to install circular driveways or "T" turn arounds.
 - c. A letter of credit shall be posted with the City for 110% of an engineer's cost estimate for the widening project prior to issuance of the first building permit, and within twelve months of the first building permit a contract shall be let for this widening of Gateway Blvd to 6 lanes from Congress Ave to High Ridge Rd including the required intersection improvements at the intersection of Gateway and Congress Avenue (with the exception of southbound right turn lane). The Boynton Town Center and Boynton Village (Winchester Property) Developments shall be entitled to County road impact fee credits for this improvement.
 - d. The Property must:
 - 1. Provide Multiple Uses and Mixed Use Structures.
 - 2. Unify residential and non-residential land uses through driveway locations and pathways.
 - 3. Allow Home Businesses and Live-Work Units.
 - 4. Provide a minimum of 30% density/intensity reduction from the approved comprehensive Plan.
 - 5. Introduce Non-Vehicular Corridor (bike lane/path) Along spine road.
 - 6. Dedicate a local City Park within the property.
 - e. At time of project platting:
 - 1. Provide easement (as required by PalmTran) for bus stop/shelter on the Property.
 - f. A letter of credit shall be posted with the City prior to the first building permit for the Property, and prior to issuance of building permits that generate more than 733 new external PM peak hour trips per County Engineer's determination for the Property, contracts shall be let for the following Intersection improvements:
 - 1. Raised median divider on West approach of Old Boynton Rd and Congress Avenue intersection, if geometrically feasible as determined by the County Engineer.
 - 2. Extended storage length of northbound left turn at Boynton Beach Blvd and Congress Avenue, if geometrically feasible as determined by the County Engineer.
 - g. A letter of credit shall be posted with the County for 110% of an engineer's cost estimate for the improvement prior to the first building permit for the Property for traffic signal installation at spine road/Old Boynton Road, said traffic signal shall be installed if warranted by the County Engineer.

C. Map Series, Congress/Old Boynton CRALLS

REVISIONS: To modify map TE 15.1, Traffic Concurrency Exception Areas (TCEAs) and CRALLS, to identify a segment of Old Boynton Road and the intersections of Congress Avenue/Gateway Boulevard and Congress Avenue/Old Boynton Road as Constrained Roadway at Lower Level of Service (CRALLS) facilities. The revised map is shown below.



MAP TE 15.1

TRAFFIC CONCURRENCY EXCEPTION AREAS (TCEA) & CRALLS

Adopted Features

- Traffic Concurrency Exception Areas (TCEA)
- Constrained Roadways At Lower Level of Service (CRALLS) *
- CRALLS Intersections *

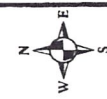
Reference Features

- Municipalities
- Interstate 95
- Florida's T
- Major Road
- Minor Roads

* Certain CRALLS Contain Provisions By Which They Will Cease To Remain In Effect At Some Pre-Defined Event In The Future. For Details, Please Refer To The Element Of The Comprehensive Plan.
SOURCES: PBC Planning Division
Last Amended In Round 05-1 by O.



PALM BEACH COUNTY
COMPREHENSIVE PLAN
MAP SERIES



1 0 1 2 3 Miles

Effective Date TBD
Filename: N:\Map Series\Map Data\Map Series
Contact: PBC Planning Dept.

Handwritten notes:
November 28, 2005
12/20/05
Kane Brown